

REMARKS

This application has been reviewed in light of the non-final Office Action mailed on February 5, 2009. Claims 1-21 are pending in the application with Claims 1, 8, 10-13, 16, and 21 being in independent form. By the present amendment, Claims 1, 8, 10-13, 16, and 21 have been amended. No new matter or issues are believed to be introduced by the amendments.

Claims 1, 2, 5-16, and 19-21 were rejected under 35 U.S.C. §102(e) as being anticipated by Kuchibhotla et al. (U.S. Patent No. 7,414,989).

Claim 1, as amended herein, recites, *inter alia*, as follows:

“...wherein the REV confirmation message informs the receiver that **a gap exists in a memory of the transmitter due to missing data packets**.” (emphasis added)

Kuchibhotla fails to disclose or suggest “...wherein the REV confirmation message informs the receiver that a gap exists in a memory of the transmitter due to missing data packets,” as recited in amended independent Claim 1.

Kuchibhotla discloses a method for ACK/NACK determination reliability for a communication device includes a first step of defining a supplementary indicator of message acceptability (Abstract). In particular, Kuchibhotla supports active set handoff and scheduling functions by allowing a mobile station (MS) to provide HARQ ACK/NACK coding information to improve data throughput of an enhanced reverse link transmission to Active Set base transceiver stations (column 6, lines, 40-47).

In contrast, in the present disclosure as recited by the claims, the REV message informs the base station (BA) about the fact that there is a gap in the reception buffer or memory of the mobile station (MS). In other words, the REV informs the BA about the fact that the data packet (D1) immediately sent before the data packet, whose reception is positively acknowledged

by means of the REV message (D2) has not been successfully received by the MS and thus the data content of D1 is missing in the MS (see page 4, paragraph [0051] of Applicants' published application). Kuchibhotla is not concerned with such a system because Kuchibhotla is concerned with setting up a technique to allow the feedback of information between the MS and active set BTSs such that a macro selection diversity benefit is obtained (column 5, line 62 – column 6, line 2). Thus, Kuchibhotla clearly does not teach and/or suggest the feature(s) added of the amended independent Claims.

Independent Claims 8, 10-13, 16, and 21 include the same or similar limitations to those of Claim 1, and are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1.

Accordingly, the withdrawal of the rejection under 35 U.S.C. §102(e) with respect to Claims 1, 8, 10-13, 16, and 21 and allowance thereof are respectfully requested.

Dependent Claims 2, 5-7, 9, 14, 15, 19, and 20, are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 1, 8, 13, 16, and 21 from which they depend. Accordingly, the withdrawal of the rejection under 35 U.S.C. §102(e) with respect to dependent Claims 2, 5-7, 9, 14, 15, 19, and 20, and allowance thereof are respectfully requested.

Claims 3 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kuchibhotla in view of Ulug (U.S. Patent No. 4,312,065).

Ulug does not address the deficiencies of Kuchibhotla in the independent claims. Furthermore, Dependent Claims 3 and 18 are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1, and Claim 16 from

which Claim 18 depends. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 3 and 18, and allowance thereof are respectfully requested.

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kuchibhotla in view of Dottling et al. (U.S. Patent No. 7,249,303).

Dependent Claim 4 is allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1 from which it depends. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claim 4, and allowance thereof is respectfully requested.

Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kuchibhotla in view of Kohno (U.S. Application No. 2003/0120802).

Dependent Claim 17 is allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1, and Claim 16 from which it depends. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claim 17, and allowance thereof is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all Claims presently pending in the application, namely, Claims 1-21, are believed to be in condition for allowance.

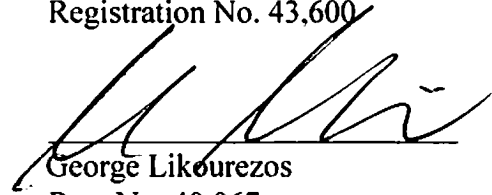
If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

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Date: May 5, 2009

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